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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,391

11/21/2003

Karen M. Szymas

16027

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50659

7590

06/15/2005

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EXAMINER

HAYES, BRET C

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/719,391

Applicant(s)

SZYMAS, KAREN M.

Examiner

Bret C Hayes

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10,13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 1 – 3, 5 – 10, 13 and 15 – 19 is withdrawn in view of the newly discovered reference(s) to US Patent No. 5,556,120 to Davis. Rejections based on the newly cited reference(s) follow.
2. Because of the examiner's introduction of new art, the finality of the previous office action has been withdrawn.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1 – 10, 13 and 15 – 19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 3, 5 – 10, 13 and 15 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talbot, previously cited, in view of Davis, cited above.
6. Re – claim 1, Talbot discloses the invention substantially as claimed including an adaptive saddle, see Figs. 1 – 3, for example, comprising a saddle body **10** having a front attachment point **40** and at least one rear attachment point, see Fig. 4b, for example, and a

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support assembly **212**, for example, releasably attached to one of said front and rear attachment points and including a vertically extending support member, best seen in Fig. 4b, for example. However, Talbot does not disclose a pair of forearm pads removably and adjustably attached to the support member.

7. Davis teaches a similar structure including a pair of forearm pads **84**, best seen in Fig. 5, for example, removably and adjustably attached to a support member **96, 98** in the analogous art of handicapped assistance devices for the purpose of assisting a handicapped individual. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Talbot to include a pair of forearm pads as taught by Davis in order to assist a handicapped individual.

8. Regarding the remaining claims, any reference to “removably and adjustably attached to the support member” is considered to be anticipated and/or obviated because the entirety of the construction is capable of being disassembled, reassembled, and adjusted (as pertaining to the tightening and loosening of connectors, such as nuts and bolts, etc.) as necessary.

9. Re – claim 2, Talbot in view of Davis discloses the claimed invention. Davis further discloses wherein the vertically extending support member **96, 98** has a lower end engaging one of the front and rear attachment points, as via **46, 48**, for example.

10. Re – claim 3, Talbot in view of Davis discloses the claimed invention. Davis further teaches including a trunk pad **84**, for example, slidably mounted on the support member.

11. Re – claim 5, Talbot in view of Davis discloses the claimed invention. Davis further teaches a head rest **38**, for example, adjustably attached to the support member.

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12. Re – claim 6, Talbot in view of Davis discloses the claimed invention. Davis further teaches a pair of handgrip assemblies, **112, 114**, for example, removably and adjustably attached to the support member.

13. Re – claim 7, Talbot in view of Davis discloses the claimed invention. Davis further teaches a transverse frame member, such as the element connecting element **76**, in Fig. 3, for example.

14. Re – claim 8, Talbot in view of Davis discloses the claimed invention. Davis further teaches a pair of arms members **86** attached to the frame member, via the element attached to element **76**, for example.

15. Re – claim 9, Talbot in view of Davis discloses the claimed invention. Davis further teaches wherein each forearm pad **84** is attached to one of the arm members **86**.

16. Re – claim 10, Talbot in view of Davis discloses the claimed invention. Davis further teaches a handgrip assembly **112, 114**, for example, removably and adjustably attached to each of the arm members **86**, via the interconnecting components, *inter alia*, **46, 48**, for example.

17. Re – claims 13 and 15 – 19, in light of the above rejections, the remainder of the claims would be similarly obviated by Talbot in view of by Davis.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

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If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu, can be reached at (571)272 – 7045. The fax number is (703) 872 – 9306.

bh

7-Jun-05

A handwritten signature in black ink, appearing to read 'H. Behrend', with a large, sweeping loop at the end.

**HARVEY BEHREND  
PRIMARY EXAMINER**